

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SCOTT M. EPSTEIN,

Plaintiff,

v.

C.R. BARD, INC.,
FUTUREMED INTERVENTIONAL, INC., and
CROSSBOW VENTURES, INC.,

Defendants.

Civil Action No. 03-CV-12297 (RWZ)

FUTUREMED'S MOTION TO DISMISS EPSTEIN'S COMPLAINT

Futuremed hereby moves to dismiss the complaint in this action. The grounds for this motion are set forth in the accompanying memorandum of law.

LOCAL RULE 7.1(a)(2) CERTIFICATION

Counsel for Futuremed informed counsel for Epstein that Futuremed expected to file a motion to dismiss, and counsel for Epstein did not stipulate to the motion.

LOCAL RULE 7.1(d) REQUEST FOR ORAL ARGUMENT

Futuremed requests the opportunity to appear for oral argument on this motion.

Respectfully submitted,

FUTUREMED INTERVENTIONAL, INC.,

By its counsel,

Dated: December 29, 2003

/s/ Michael A. Albert

Michael A. Albert, BBO # 558566

Michael N. Rader, BBO # 646990

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of Futuremed's Motion to Dismiss Epstein's Complaint was served upon the following attorneys of record on December 29, 2003 by first-class, regular mail:

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/s/ Michael A. Albert

Michael A. Albert